

REMARKS

Claims 1-6 are all the claims pending in the application. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

Drawings

The Examiner asserted that Figs. 4 and 5 should be designated by a legend such as "Prior Art" because only that which is old is illustrated. Accordingly, Applicant has submitted herewith two replacement drawing sheets, wherein Figs. 4 and 5 have been labeled as --Prior Art--.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claims 2-6 under §112, 2nd paragraph, as indefinite. Applicant has amended claims 2 and 6 in a manner believed to overcome this rejection.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejected claims 1, 2, and 6, under §102(b) as being anticipated by US Patent 6,171,210 to Miyata et al. (hereinafter Miyata). Applicant respectfully traverses this rejection because, for at least the following reasons, Miyata fails to disclose all of the elements as set forth and arranged in the claims, and the Examiner's interpretation of Miyata is mistaken.

In the penultimate bullet point on page 4, the Examiner asserts that Miyata discloses a first rotation transmission shaft (95 or 60) disposed in parallel to the input shaft. However, in contrast to that asserted by the Examiner, Miyata discloses the first rotation transmission shaft (95 or 60) being coaxial with the input shaft; they are not "in parallel". The power transmission mechanism between shafts is more complicated when the shafts are coaxial with each other than when the shafts are only "in parallel to" each other.

In the last bullet on page 4 and the first bullet on page 5 of Office Action, the Examiner asserts that the first rotation transmission shaft of the invention allegedly corresponds to the element indicated by reference number (60) or (95) in Miyata. However, assuming that the first rotation transmission shaft is (60), the first planetary-gear-type transmission (90) in Miyata is not disposed on the periphery of the first transmission shaft (60). Alternatively, assuming that the

first transmission shaft is (95), the second planetary-gear-type transmission (43) in Miyata is not disposed on the periphery of the first transmission shaft (95). Therefore, the Examiner's statements in the Office Action regarding the first and second planetary-gear-type transmissions contradict with each other.

In the 4th bullet on page 5 of the Office Action, the Examiner asserts that Miyata discloses that the rotation of the input shaft is transmitted to the first ring gear through the planetary gear mechanism. However, the claimed invention recites that the first power transmission mechanism transmits the rotation of the input shaft to the first ring gear.

In the 5th bullet on page 5 of the Office Action, the Examiner asserts that Miyata discloses that the rotation of the output disk is transmitted to the second carrier through the rotation shaft and the planetary gear mechanism. In contrast, the claimed invention recites that the rotation of the input shaft is transmitted to the second carrier.

In the 6th bullet on page 5 of the Office Action, the Examiner asserts that col. 8, line 64 - col. 9, line 34 in Miyata disclose the claimed configurations: "wherein, in a state where the power transmission through the first power transmission mechanism is allowed and the power transmission through the second power transmission mechanism is cut off, in accordance with the control of the transmission ratio of the toroidal type CVT, the output shaft is stopped while leaving the input shaft rotating." However, the cited portion of Miyata indicated in the Office Action fails to disclose such configurations, especially assuming that the first and second power transmission mechanisms are the ones as alleged by the Examiner (see page 5, 4th and 5th bullet points in the Office Action).

With respect to the last solid bullet on page 6 of the Office Action, given that the Examiner asserts Miyata's reference (60) corresponds to the first rotation transmission shaft, the first sun gear (91) in Miyata is not rotatable together with the first rotation transmission shaft (60). This is inconsistent with the claimed configuration.

The assertions in the 1st solid bullet on page 7 of the Office Action are mistaken. Instead, in Miyata, the second sun gear (62) does not rotate with the first rotation transmission shaft. And the rotation of the second sun gear is affected by the transmission ratio of the variator.

Concerning the last bullet on page 7 of the Office Action, Miyata's low-speed clutch is not disposed in series with the first power transmission mechanism; it is only for fixing the ring gear to the case.

With respect to the first bullet on page 8 of the Office Action, Miyata fails to disclose a high-speed clutch disposed in series with the second power transmission mechanism, given that the second power transmission mechanism is the one as alleged by the Examiner (i.e., combination of gears 54, 57, shaft 56, gears 58, 59, 61, sun gear 62, and planet gear 63).

For at least any of the above reasons, Miyata fails to anticipate Applicant's claim 1. Likewise, this reference fails to anticipate dependent claims 2 and 6.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 3-5 would be allowable if rewritten in independent form. However, because of the belief that claim 1 is allowable as written, Applicants have not rewritten claims 3-5 in independent form at this time.

Conclusion

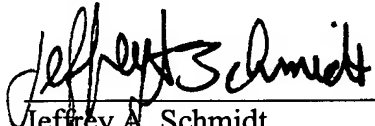
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln No. 10/721,274

Atty Dkt No. Q78716

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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AMENDMENTS TO THE DRAWINGS

Figs. 4-5 have been labeled as Prior Art

Attachment: Two (2) Replacement Drawing Sheets, namely 4/5 and 5/5